

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

Larry Whitfield  
Plaintiff

Case No:  
15 U.S.C. 1692 Fair Debt Collection Practices  
Act ("FDCPA")

vs.

Viking Collection Service INC.

Defendant(s)

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**COMPLAINT**

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NOW COMES the above-named Plaintiff, **Larry Whitfield**, by his attorneys, **VAITYS LAW LLC**, and bring a Complaint against the above captioned Defendant(s), **Viking Collection Service INC.**, ("VCS") and hereby shows to the court as follows upon information and belief that on several occasions, from April thru June of 2011 and thereafter that the above named Defendant(s), that agents and actors worked on behalf of VCS and thereby violated the following provisions of federal law, namely 15 U.S.C. 1692 Fair Debt Collection Practices Act ("FDCPA") and states upon information and belief to the Court as follows:

**PARTIES**

1. That **Larry Whitfield** is a real and natural person and is a resident of the State of Wisconsin with a domicile at 4727 North 77<sup>th</sup> Ct. Milwaukee WI 53218-4735 and is a Plaintiff to this current action.
2. That **VCS** is a bill collection agency and or other legal entity or set of entities, organized under the laws of the State of Minnesota and has a principal place of business at 7500 Office Ridge Circle Eden Prairie MN 55344-3678 and is/are Defendants to this action.

## FACTS

3. That commencing in April of 2010 and continuing thru June of 2010 and thereafter that the above named Defendant(s), working in an agency or apparent agency relationship and/or others working on **Defendants'** behalf violated the following provisions of federal law, namely 15 U.S.C. 1692 Fair Debt Collection Practices Act ("FDCPA") by contacting the family and/or friends and or employment of the Plaintiff.
4. That on several occasions material hereto **VCS** contacted Marion Whitfield, the sister of the Plaintiff.
5. That **VCS** was immediately made aware by Marion Whitfield that Plaintiff was not a member of the household and that the phone number in question was not his phone number and that they lived at an address separate and apart from the Plaintiff.
6. That immediately thereafter, and during the course of the conversation with Marion Whitfield, agents for **VCS** told her that Plaintiff faced and had financial problems and made defamatory remarks as to the moral standing of the Plaintiff.
7. That Marion Whitfield informed Plaintiff of all representations made to her by **VCS**.
8. That Plaintiff felt an immediate sense of shock and embarrassment upon hearing what had transpired upon hearing this from Marion Whitfield.
9. That on several occasions Plaintiff was summoned by his employer and told that an agent for **VCS** had contacted his place of employment by phone and that Plaintiff's employer declined to give his information to **VCS**.
10. Plaintiff's manager intimated that if calls from **VCS** did not stop, Plaintiff's employment would be in jeopardy.
11. That on each and every occasion Plaintiff felt an immediate sense of shock and embarrassment upon hearing what had transpired.

**VIOLATIONS OF  
U.S.C. 1692 Fair Debt Collection Practices Act ("FDCPA")  
Liability as to VCS**

12. That Plaintiff adopts and realleges Counts 1-11 as though fully set out herein.
13. That VCS violated 15 U.S.C. 1692c(a)(1)- Contacting the Consumer at any Unusual Time or Place (the unusual place was Plaintiff's family);
14. That VCS violated 15 U.S.C. 1692c(b) by informing Plaintiff's family of the debt and of "pending legal issues" despite the family's informing VCS beforehand, that it was not Plaintiff's residence or phone number.
15. That VCS violated 15 U.S.C. 1692b by obtaining location information about Plaintiff in prohibited ways.
16. That VCS violated 15 U.S.C. 1692c(a)(3) Caused the Phone to Ring and Repeatedly Engaged in Telephone Conversations.
17. That VCS violated 15 U.S.C. 1692d by employing oppressive and abusive conduct in an attempt to collect an alleged debt against Plaintiff.
18. That VCS violated 15 U.S.C. 1692e (4), (5) and (10) by making false, deceptive and misleading representations to the Plaintiff.

WHEREFORE, Plaintiff, respectfully requests that judgment be entered against Defendant(s) VCS for violations of the FDCPA, actual damages, statutory damages, and costs and actual and actual and reasonable attorney's fees and for whatever other relief this Honorable Court deems just

Dated this 12<sup>th</sup> of April 2011

**VAITYS LAW LLC**  
Attorneys for Plaintiff,  
Larry Whitfield



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Thomas D Vaitys  
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